

**MINUTES
FREMONT CITY COUNCIL MEETING
SEPTEMBER 20, 2011
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

1.1 Call to Order: Mayor Wasserman called the meeting to order.

1.2 Flag Salute: Councilmember Harrison led the salute to the flag.

1.3 Roll Call: Present: Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan, Harrison and Dutra.

1.4 Announcements by Mayor/City Manager

2. CONSENT CALENDAR

- * **2.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan, Harrison and Dutra
Noes:	None
Absent:	None
Abstain:	None

- * **2.2 Approval of Minutes**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council approved the minutes for the Special and Regular Meetings of September 6, 2011 and for the Special and Regular Meetings of July 12, 2011

Ayes:	Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan, Harrison and Dutra
Noes:	None
Absent:	None
Abstain:	None

- * **2.3 Mayor Wasserman opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont, Approving a One-Year Extension to the Term of a Non-Exclusive Franchise with Air Products and Chemicals, Inc., a Delaware**

*Consent Items

Corporation, to Install, Construct, Maintain, and Use Pipes and Appurtenances for Transmitting and Distributing Nitrogen Gas in Public Rights-of-Way

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council adopted Ordinance No. 13-2011.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan, Harrison and Dutra
Noes: None
Absent: None
Abstain: None

*** 2.4 Mayor Wasserman opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont Rezoning Property Located at 1481 Mowry Avenue from Planned District P-2001-174 to Munti-Family Residence R-3-23**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council adopted Ordinance No. 14-2011.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan and Harrison
Noes: None
Absent: None
Abstain: Councilmember: Dutra

*** 2.5 Mayor Wasserman opened consideration of Approval of First Responder Advanced Life Support Services Agreement between the City of Fremont and the County of Alameda**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council authorized the City Manager to execute the First Responder Advanced Life Support Services Agreement between the City of Fremont and County of Alameda.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan, Harrison and Dutra
Noes: None
Absent: None
Abstain: None

*** 2.6 Mayor Wasserman opened consideration to Authorize the City Manager, or Designee, to Issue a Purchase Order and to Execute Implementing Documents with Oracle America, Inc., for the Annual Software Support and Maintenance of the Databases, PeopleSoft HR/Payroll Application, and User Productivity Kit**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council authorized the City Manager, or his designee, to issue a purchase order and to execute implementing documents with Oracle America, Inc., for the annual software support and

maintenance of Oracle databases, PeopleSoft HR/ Payroll, and User Productivity Kit in the amount not-to-exceed \$248,628.64, including applicable sales tax.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan, Harrison and Dutra
Noes: None
Absent: None
Abstain: None

*** 2.7 Mayor Wasserman opened consideration of a Public Hearing (Published Noticed) to Consider Planning Commission Recommendation to Introduce an Ordinance Adopting a Planned District Major Amendment to P-2005-80 (Villa D'este) Amending Conditions of Approval Related to Building and Site Design Modifications for Three Multi-Family Buildings Totaling 18 Units at the Southeast Quadrant of Ardenwood Boulevard and Paseo Padre Parkway in Northern Plain Planning Area**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council:

1. Held public hearing.
2. Found that, consistent with CEQA Guidelines 15162, no significant changes to the project or site circumstances have occurred, nor has new information of substantial importance been discovered, and the previously adopted Mitigated Negative Declaration and Mitigation Monitoring Plan are still valid and no further environmental analysis is required, and find this action reflects the independent judgment of the City of Fremont.
3. Found Planned District Major Amendment is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals, objectives and policies set forth in the General Plan's Land Use and Housing Chapters as enumerated within the staff report.
4. Found the Precise Plans for the project as depicted in Exhibit "A" (precise site plan, floor plans, elevations, engineering plans and landscape plans), fulfills the applicable requirements set forth in the Fremont Municipal Code.
5. Waived reading and introduce an ordinance approving the Precise Plans for Buildings 17-19 as shown on Exhibit "A" More specifically, sheets A1.12-1.18, L2.5-2.6, L2.11-2.12 and C-0 through C-3 consisting of precise site plan, floor plans, elevations, engineering plans and landscape plans for Planned District Major Amendment to P-2005-80 be approved, based upon the findings contained in this report and subject to the conditions of approval set forth in Exhibit "B".
6. Direct staff to prepare and the City Clerk to publish a summary of the ordinance.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan, Harrison and Dutra
Noes: None
Absent: None
Abstain: None

*** 2.8 Mayor Wasserman opened consideration of Request for Continued Participation in the Alameda County HOME Investment Partnership Act (HOME) Program Consortium**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council adopted Resolution No. 2011-57:

1. Approving participation in the Alameda County HOME Program Consortium for the next three (3) federal Fiscal Years 2012/13, 2013/14, and 2014/15 for the purpose of securing federal HOME funds; and
2. Authorizing the City Manager or his designee to execute the participation agreement between the City and Alameda County and to take all actions necessary for participation in the Consortium.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan, Harrison and Dutra
Noes: None
Absent: None
Abstain: None

*** 2.9 Mayor Wasserman opened consideration of Authorization to Contract with Alameda County Behavioral Health Care Services for a Mobile Integrated Assessment and Treatment Team for Seniors**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council authorized the City Manager to enter into a contract with Alameda County Behavioral Health Care Services to provide services through the Mobile Integrated Assessment and Treatment Team for Seniors for the period of July 1, 2011 through June 30, 2012.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan, Harrison and Dutra
Noes: None
Absent: None
Abstain: None

*** 2.10 Mayor Wasserman opened consideration of Authorization for the City Manager to Enter into an Agency Transfer Payment Agreement between the Redevelopment Agency and the City of Fremont to Allow for the Payment of Certain Required Remittance Payments Pursuant to Part 1.9 of the Redevelopment Law**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council approved Resolution No. 2011-58 and authorized the City Manager to enter into an Agency Transfer Payment Agreement between the Redevelopment Agency and the City of Fremont to allow for the payment of certain required remittance payments pursuant to Part 1.9 of the Redevelopment Law.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan, Harrison and Dutra
Noes: None
Absent: None
Abstain: None

*** 2.11 Mayor Wasserman opened consideration to Approve a Joint Powers Agreement with New Haven Unified School District for the Provision of Mental Health Services**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council authorized the City Manager or designee to execute a joint powers agreement with the New Haven Unified School District for the provision of mental health services.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan and Harrison
Noes: None
Absent: None
Abstain: Councilmember: Dutra

3. CEREMONIAL ITEMS – None.

4. PUBLIC COMMUNICATIONS

4.1 Oral and Written Communications – None.

5. SCHEDULED ITEMS

5.1 Mayor Wasserman opened consideration of an Appeal to the City Council from Denial of an Application for an Animal Fancier Permit to Keep Two Hives of Bees and Six Chickens At 37017 Contra Costa Avenue

Mayor Wasserman opened the appeal hearing. Russell Shaffer (appellant)) expressed his reasons for requesting approval of the appeal. Mr. Shaffer responded to questions from Councilmembers. Staff responded to questions from Councilmembers. Mayor Wasserman opened the item for public comment. Ed Pentaleri, Jermaine Shaffer and Betty Farrington spoke in support of Mr. Shaffer. A letter was presented to Council in support of Mr. Shaffer from Ken & Kelly Rodriguez (Mr. Shaffer's neighbors). There were no other speakers. Mayor Wasserman closed the hearing. Staff responded to questions from Councilmembers. Councilmembers provided comment.

On a motion by Councilmember Natarajan, seconded by Councilmember Dutra, the City Council upheld the appeal and approved the issuance of the Animal Fancier Permit by the Animal Services Superintendent to keep beehives at 37017 Contra Costa Avenue.

Ayes: Vice Mayor Chan, Councilmembers: Natarajan,
Harrison and Dutra
Noes: Mayor Wasserman
Absent: None
Abstain: None

5.2 Mayor Wasserman opened consideration of Public Hearing (Published Notice; Display Ad) to Consider Planning Commission Recommendation and Introduce an Ordinance to Amend Fremont Municipal Code Title VIII, Chapter 2, Article 21.7, Affordable Housing

Mayor Wasserman opened the public hearing. Associate Planner Kelly Diekmann provided an overview of the staff report. Staff responded to questions from Councilmembers. Mayor Wasserman opened the item for public comment. Jake Lavin spoke in opposition to the changes being proposed. There were no other speakers. Mayor Wasserman closed the public hearing. Councilmembers provided comment.

On a motion by Councilmember Harrison, seconded by Councilmember Wasserman, the City Council:

1. Held the Public Hearing.
2. Found the proposed zoning text amendment consistent with the previously adopted negative declaration and that it requires no subsequent environmental review.
3. Found the public necessity, convenience and general welfare require the adoption of this Zoning Text Amendment as described in the staff report findings section. Directed staff to return to Council with options on the number of bedrooms as well as the ownership versus rental issue.
4. Waived full reading and introduced an ordinance amending Title VII, Chapter 2, Article 21.7 (Affordable Housing Ordinance).
5. Directed staff to prepare and the clerk to publish a summary of the ordinance.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan and Harrison
Noes: None
Absent: None
Abstain: Councilmember Dutra

6. REPORT FROM CITY ATTORNEY

6.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action

7. OTHER BUSINESS

7.1 Mayor Wasserman opened consideration of a Presentation on the Draft Environmental Impact Report (DEIR) for the General Plan Update

Dan Schoenholz provided an overview of the staff report. Staff responded to questions from Councilmembers. Mayor Wasserman opened the item for public comment. John Weed spoke in opposition and discouraged private parking. There were no other speakers. Staff responded to questions from Councilmembers. Councilmembers provided comment.

The City Council received presentation and provided feedback to staff.

Ayes:	Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan, Harrison and Dutra
Noes:	None
Absent:	None
Abstain:	None

8. COUNCIL COMMUNICATIONS

8.1 Council Referrals – None.

8.2 Oral Reports on Meetings and Events – None.

9. ADJOURNMENT: There being no further business, Mayor Wasserman adjourned the meeting at 9:40 p.m.

Attest:

Approved:

Nadine Nader, City Clerk

ANU NATARAJAN, Vice Mayor